

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

THOMAS GONZALEZ,
Plaintiff,

v.

UNITED STATES,
Defendant.

CIVIL ACTION NO.
1:22-CV-638-SDG-CMS

FINAL REPORT AND RECOMMENDATION

Florida state inmate Thomas Gonzalez has filed a 3-page handwritten complaint alleging that his rights were violated when this Court informed him that, as a prisoner, even if he was permitted to proceed in forma pauperis (IFP) in *Gonzalez v. Hatten*, No. 1:20-cv-2549-JPB (N.D. Ga. 2020), he would still be required to pay the \$350 filing fee in installments pursuant to 28 U.S.C. § 1915. [Doc. 1].

Because Gonzalez did not pay the case initiation fees due for this new civil action, his complaint is subject to sua sponte dismissal “at any time” if it is “frivolous.” *See* 28 U.S.C. § 1915(e)(2). And a complaint “is frivolous where it lacks an arguable basis in law or fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).


Here, Gonzalez’s complaint consists of a series of nonsensical statements and rhetorical questions. *See* [Doc. 1 at passim]. For example, Gonzalez states: “All my liens, fines, penalties, citations, holds, bankruptcies, debt, charges civil or criminal offenses are prepaid and discharged from levy.” [*Id.* at 1 (text unedited)]. Similarly, Gonzalez asks: “Where does it say in the Florida Constitution or Florida Statutes that Thomas Gonzalez natural man must pay court filing fee for a[n] unlawful sentence on dry land or American soil? Where?” [*Id.*]. Ultimately, in his 3-page handwritten complaint Gonzalez identifies no facts or law that (even liberally construed because he is proceeding pro se) constitute an “arguable basis” for his demand for “One hundred thousand dollars of Federal Reserve Notes for case # 1:20-cv-2549-JPB (only).” [*Id.* at 2]. Thus, Gonzalez’s complaint is frivolous.

Accordingly, I **RECOMMEND** that this civil action be **DISMISSED WITHOUT PREJUDICE**.

If Gonzalez files objections to this Final Report and Recommendation, I **ORDER** him to include with his objections either (A) the full amount of the case initiation fees due or (B) a complete IFP application, with *all* required signatures, certifications, and attachments. *See* 28 U.S.C. § 1915(b). I caution Gonzalez that failure to do so would be an additional and independent basis for dismissal of this civil action. *See* LR 41.3(A)(2), NDGa.

I **DIRECT** the Clerk to attach a copy of this Court's IFP application form to this Final Report and Recommendation when it is mailed to Gonzalez, and I further **DIRECT** the Clerk to terminate the referral of this civil action to me.

SO REPORTED, RECOMMENDED, ORDERED, AND DIRECTED,
this 31st day of March, 2022.



CATHERINE M. SALINAS
UNITED STATES MAGISTRATE JUDGE